



KRIS MAYES  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
STATE OF ARIZONA

March 9, 2026

*Via Email*

Larry Noble, County Recorder  
Apache County Recorder's Office

Lydia Henry, County Recorder  
Mohave County Recorder's Office

Billy Cloud, County Recorder  
Cochise County Recorder's Office

Timothy Jordan, County Recorder  
Navajo County Recorder's Office

Aubrey Sonderegger, County Recorder  
Coconino County Recorder's Office

Gabriella Cázares-Kelly, County Recorder  
Pima County Recorder's Office

Wendy Mannigal-Smith, County Recorder  
Gila County Recorder's Office

Dana Lewis, County Recorder  
Pinal County Recorder's Office

Polly Merriman, County Recorder  
Graham County Recorder's Office

Anita Moreno, County Recorder  
Santa Cruz County Recorder's Office

Erin Miller, County Recorder  
Greenlee County Recorder's Office

Michelle Burchill, County Recorder  
Yavapai County Recorder's Office

Richard Garcia, County Recorder  
LaPaz County Recorder's Office

David Lara, County Recorder  
Yuma County Recorder's Office

Justin Heap, County Recorder  
Maricopa County Recorder's Office

Re: Providing Voter Rolls

Dear County Recorders:

In light of recent news that the Department of Justice ("DOJ") has subpoenaed the State Senate for records the Senate held in connection with its 2021 subpoena to Maricopa County for election records, including voter registration records, and may subpoena or otherwise request other election information from county election officials, we write to reiterate our Offices' position regarding disclosure of a county's full, unredacted voter files to DOJ. Although Arizona has made

its opposition to disclosure clear in ongoing litigation with DOJ,<sup>1</sup> we reiterate our Offices' position here just in case you may be contemplating disclosure. We write to inform you that doing so would violate both federal and state law.

As you know, DOJ has sued Arizona for access to Arizona's full, unredacted voter files.<sup>2</sup> Secretary of State Adrian Fontes has been clear that he will fight DOJ's unprecedented and frivolous suit. Indeed, he has filed a Motion to Dismiss and opposed DOJ's Motion to Compel production of the voter registration database. DOJ has never demanded this information from states in the past, likely because the states—not the federal government, and certainly not the Executive Branch—have primary constitutional authority to manage elections pursuant to the United States Constitution. Article I, Section IV gives the states and the Congress primary control over elections. It is the states' authority and responsibility to hold elections—not the federal government. Without direct congressional action, the United States Constitution does not authorize or allow the federal government to insert itself into a state's election procedures, much less authorize the DOJ to unilaterally build a national voter database.

To date, the DOJ has sued twenty-nine states and the District of Columbia demanding full, unredacted voter information.<sup>3</sup> So far, no court has agreed with the DOJ's position, and three courts have already dismissed DOJ's claims because DOJ lacks the authority to demand voters' private information.<sup>4</sup> In reaching this conclusion, these courts specifically determined that federal law—including the Help America Vote Act ("HAVA"), the National Voter Registration Act ("NVRA"), and the Civil Rights Act of 1960—does not require the disclosure of unredacted voter records, and that DOJ's position lacked any basis in law, would undermine those statutes, and would impose an unconstitutional burden on voters.<sup>5</sup> They have also concluded that disclosure would violate federal privacy law, including the Privacy Act of 1974, E-Government Act, and Drivers Privacy Protection Act.<sup>6</sup> Thus, federal law is clear that, absent clear congressional authorization, the DOJ cannot force states to turn over the personal voter data it has sued to obtain.

Arizona state law also clearly prohibits disclosure of unredacted voter files. A.R.S. § 16-168, for example, explicitly prohibits the disclosure of the exact information the DOJ has requested: full birthdates, Social Security numbers, driver's license numbers, and voter signatures. Releasing unredacted copies of this data is a class 6 felony offense. Moreover, the failure of any

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<sup>1</sup> *United States v. Fontes*, No. 2:26-cv-00066-SMB.

<sup>2</sup> *See United States v. Fontes*.

<sup>3</sup> Tracker : DOJ Lawsuits Seeking States' Sensitive Voter Data, State Democracy Research Initiative (Feb. 12, 2026), <https://statedemocracy.law.wisc.edu/tracker-doj-lawsuits-states-voter-data/>.

<sup>4</sup> *United States v. Weber*, No. 2:25-cv-09149-DOC-ADS, 2026 WL 118807 (C.D. Cal. Jan. 15, 2026); *United States v. Oregon*, No. 6:25-cv-01666-MTK, 2026 WL 318402 (D. Or. Feb. 5, 2026); *United States v. Benson*, No. 1:25-cv-1148-HYJ-PJG, 2026 WL 362789 (W.D. Mich. Feb. 10, 2026).

<sup>5</sup> *See Benson* 2026 WL 362789, at \*4.

<sup>6</sup> *See Weber*, 2026 WL 118807, at \*17-19.

election official to follow Title 16’s requirements is also a class 6 felony offense.<sup>7</sup> Thus far, the three courts that have addressed this issue have determined that state privacy law is not preempted by the federal law cited by DOJ, and therefore state statutes prohibit disclosure of private voter information just like the federal laws referenced above.<sup>8</sup>

As public servants, we took an oath to uphold the “Constitution of the United States, and the Constitution and the laws of the State of Arizona” and to “bear true faith and allegiance” to the same.<sup>9</sup> That oath—and state and federal law—prohibit you from turning over unredacted voter files to DOJ.

We cannot overstate the importance of protecting voters’ private data. As the U.S. District Court for the Central District of California concluded, “it seems the Executive Branch of the United States government wants to abridge the right of many Americans to cast their ballots.”<sup>10</sup> We have a sacred duty to protect our constituents’ privacy and uphold the law, and we urge you to stand with American democracy and protect Arizona citizens from the federal government’s unprecedented abuse of authority.

If your Office receives a federal grand jury subpoena demanding that you turn over voters’ private data, we urge you to notify our offices immediately. The grand jury should not serve to circumvent Arizona’s ongoing lawsuit, and our offices will pursue all legal actions available to prevent the Department of Justice from misusing the grand jury process.

I implore you to fulfill your oath by declining any such illegal demands. Our offices are committed to upholding the sanctity of Arizona’s elections and democratic process. We will pursue to the fullest extent of the law all possible remedies to ensure the integrity of Arizona’s elections and the privacy rights of its citizens.

Respectfully,



Kris Mayes  
Arizona Attorney General

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<sup>7</sup> A.R.S. § 16-1010.

<sup>8</sup> See *Weber*, 2026 WL 118807, at \*13, \*17; *Oregon*, 2026 WL 318402, at\*12; *Benson*, 2026 WL 362789, at \*4.

<sup>9</sup> A.R.S. § 38-231.

<sup>10</sup> See *Weber*, 2026 WL 118807, at 2.

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A handwritten signature in green ink, appearing to read "Adrian Fontes". The signature is stylized with a large initial "A" and a prominent "F".

Adrian Fontes  
Arizona Secretary of State

CC: Chief Deputy County Recorders  
County Election Directors  
County Attorneys